

HUSBAND MUST PAY DEAD WIFE'S ALIMONY

Circuit Court Decision Closes a Peculiar Alliance Case.

TWO REVERSALS BY CIRCUIT JUDGES

Seven Cases Were Passed Upon After Which the Court Adjourned, to Meet Again Next Tuesday.

The circuit court rendered decisions on a number of cases Friday afternoon. Judge Donahue was compelled to leave and Judges Douglass and Vorhees rendered the decisions.

The first case passed upon was that of B. Dannemiller & Sons against Henry E. Froelich. The case was taken up claiming that there had not been proper service. Froelich won in the justice's court and common pleas. The plaintiff claimed that he entered his appearance. It was held that when the defendant entered to protest the service he did not waive it, and there should have been three days notice. Judgment of the lower court was affirmed. Attorney P. J. Collins appeared for plaintiff and J. W. Burris for defendant.

Judge Douglass rendered a decision in the case of Samuel R. Warwick against L. M. Boughman. This was a suit over a note for \$250, on which it was claimed there was a false endorsement for interest. The note was non-negotiable and it was tried against Warwick, who was not the maker of the note. Court held that there was no cause of action against the plaintiff and the judgment of the lower court was reversed. Welty and Albaugh for plaintiff and D. W. Shetler for defendant.

The case of Belle C. Bryan vs. Nancy B. Swinehart. It was a trial for right of property. The jury gave judgment in favor of the sheriff who held the property under attachment and the common pleas affirmed the finding. It was claimed that there was error in excluding evidence. It was held that the lower court erred in ruling out a receipt which was offered in evidence. The finding of the lower court was overruled. Reversed.

The principal case heard and passed upon was that of Thomas J. Webb against Mary J. Webb. It came from Alliance. Webb was sent to the penitentiary in 1892, and shortly afterward the wife applied for a divorce and the court granted it. The wife died before the husband's release, and her heirs commenced suit to collect a judgment against Webb for alimony. When they went into court, it was discovered that while the divorce had been granted and judgment in alimony given, the clerk's journal showed nothing of it. No entry had ever been made, although the judge's docket showed the fact.

The heirs then went into court and asked that a nunc pro tunc order be issued instructing the clerk to correct the record in accordance with the finding of the court. The order was secured, but Webb appealed the case to the circuit court.

Judge Douglas, passing upon the case, stated that the revivor and order secured in common pleas was in accordance with the law, and that it was for just such cases as this that the nunc pro tunc order had been provided. The judgment of the lower court was sustained, so that the husband will have to pay the judgment and cannot succeed to any of his wife's property, which is said to be considerable. Judge Thayer represented the heirs and J. W. Crane the husband.

TEN PER CENT LAW.
The case of Samuel Dreyer and others against Rosa Elser was appealed to circuit court on error. It was an action growing out of an attempt to collect 10 per cent of money in the hands of Dreyer under the law for necessities. Rosa Elser levied upon the money that Dreyer had in the bank and secured judgment for \$13.75. The judgment was sustained in common pleas court and the higher court agreed with them, sustaining the judgment. Clark & Clark were attorneys for Dreyer and John H. Spenseller was attorney for Rosa Elser.

TILE COMPANY WON.
The case of Nicholas Merley against the Louisville Brick & Tile company was a rather peculiar one. The company owed Merley \$167 for labor, and when he attempted to collect it he was confronted with a note for \$200 which the company had bought, it was claimed, for a small amount from a third party, simply to use as an offset against his claim for labor. Merley tried to have the courts decree that the note should not operate against him. He proceeded upon equitable grounds. The lower courts refused his request and the circuit court confirmed the judgment of the common pleas. In passing upon the case, Judge Doug-

lass said that equity could not supersede a legal claim, and that Dreyer should have claimed homestead exemptions to protect himself.

Attorneys Welty & Albaugh represented Merley and W. S. Earsman was counsel for the company.

JUDGMENT SUSTAINED.
Samuel Dreyer had sued the Central Savings bank for damages. He had made a contract with the bank to purchase a piece of property in Canton from the bank for \$275 if the bank should bid it in at sheriff's sale. When the sale occurred, the price was run above the amount stipulated, going up to \$800. The bank did not buy it, and consequently could not turn it over to Dreyer. The latter then sued for damages, claiming that he was damaged in the difference between what the property sold for and what his contract called for. The bank won below and Dreyer appealed because parole testimony had been admitted in the hearing. The circuit court held with the judge below and affirmed his decision.

Attorneys Clark & Clark represented Dreyer and Pomerene & Shields represented the bank.

Owing to the absence of Attorney Sterling, the decision in the case of Daniel F. Mock against Newton K. Bowman was withheld until Tuesday morning, when it will be handed down.

In the case of W. E. N. Hemperly vs. J. F. Pocock, which had been heard, Austin Lynch asked and was granted permission to file a supplemental pleading instantly. It will come up next week.

Court then adjourned until Tuesday morning of next week.

ASK NEW TRIAL

A motion for a new trial has been filed in the case of Daniel Hoffman against Milton Hoffman. This was the action brought to recover for care and nursing of Samuel Hoffman during his last illness. The jury returned a verdict in favor of plaintiff for \$1,121.50.

The defendants were not satisfied with the verdict, and in their motion for a new trial allege that the court erred in admitting certain evidence and rejecting certain things that the defendants wanted to introduce. It is also claimed that the court in charging the jury was guilty of error and was derelict in refusing to charge certain things that had been demanded. The verdict is said to have been against the weight of the testimony. Attorneys Shields and Pomerene represent the defendants.

PROBATE COURT.

In the estate of Henry Snider, of Plain township, sale bill has been filed. In the guardianship of Harry R. Mansfield, of Canton, final account has been filed.

In the guardianship of Paul R. and Mary R. Seeton, of Plain township, J. Harry Seeton has been appointed guardian.

In the estate of Daniel Baker, of Sugar Creek township, exceptions to the first account have been filed.

AFTER GUSTAV.

Catherine O. Halter, of Canton, who recently secured a judgment against Gustav Volzer for \$2,500 for breach of promise to marry, is making strenuous efforts to locate property belonging to Volzer in order to satisfy the judgment. An execution was issued on the 27th inst. and delivered to the sheriff, who returned it with the indorsement that no property could be found upon which to levy.

Saturday an application was made to the probate court asking an order in aid of execution. The affidavit filed by Attorney John T. Blake in the case sets forth that it is believed that Joseph Volzer and Balbina Volzer have property in their possession that belongs to Gustav and the court was asked to order that these parties come into court and testify as to the truth of the statement.

Probate Judge August thereupon issued the order prayed for and setting the time for March 6th, when the parties are to appear and be examined as to any property they may have that belongs to Gustav Volzer.

TO BREAK ENTAIL.

Elizabeth J. Loutzenheiser has filed a petition in common pleas court asking the court to grant her authority to sell 36 acres of land that under her husband's will is entailed. The provisions of the will were that she should have a life interest in the land, then it was to go to her daughter, Mrs. Mary E. Seeton, and then to be divided among the children of Mrs. Seeton, share and share alike.

It is stated that at present the land is used for farming purposes and brings little or no revenue. It can be sold to advantage and the proceeds of the sale can be invested to better advantage, and the court is asked to so order. The other heirs are made defendants in the case, but are acquiescing in the action. If sold, the money will have to go into the hands of a trustee to be held until the death of Mrs. Seeton.

The land lies just north of the brick-works northwest of Canton. Attorneys Shields and Pomerene represent the petitioner.

IN AN UNKNOWN GRAVE.

Alliance, March 1.—The remains of the unknown man, killed on the Fort Wayne railroad, east of this city, a few days ago, were buried Friday afternoon at the expense of Mahoning county. No one could identify the dead man.

IF PAT CROWE SHOULD EVER HEAR OF THIS!

Parisian Set Man-Trap With the Ransom, and It Worked Like a Charm.

(News-Democrat Leased Wire Service.) Paris, Feb. 28.—A Parisian hotel keeper named Berger recently had a quantity of unnegotiable bonds stolen. The thief wrote the hotel keeper, stating that he would restore the bonds if a thousand francs were placed in a certain hollow tree on the Bois de Boulogne at midnight last night.

Berger placed the money in the tree and in addition set a powerful steel trap in the hollow. The thief reached the tree and eagerly thrust his hand in.

The trap snapped and held him till Berger and the police appeared and secured the bonds and money.

PYTHIANS

Held a Pow-Wow at Alliance.

(Staff Special.)

Alliance, Feb. 28.—Colonel Thomas Monshul, commander of the Ohio division, Uniform Rank, Knights of Pythias, inspected Yellow Cross company of this city, at Bradbury hall Thursday evening. Installation of officers followed the inspection. The officers are: Captain, Charles H. Shem, first lieutenant, B. M. Brement and second lieutenant, W. J. Berry. A social and dance was held later in the evening. Yellow Cross company took second prize at the national encampment at Detroit in 1900 and expects to enter the competitive drill at San Francisco this coming August.

BEER BOYCOTT

May Be Begun by Canton Bartenders—Massillon Union Agitating the Matter.

(Staff Special.)

Massillon, Feb. 28.—At a meeting of the Bartenders' union last night, action was taken regarding the strike among the brewery workers at Cincinnati. An investigation was made, and it was found that no Cincinnati beer, made by breweries where the strike is on, is sold in this city.

In Canton, however, beer is sold which is on the unfair list. The local bartenders will confer with those at Canton with a view of boycotting certain brands of beer sold in that city. A committee, composed of three members was chosen, for further arrangements for the big smoker sometime in May. Bartenders will be present from Canton, Alliance, Youngstown, Akron and Cleveland. National officers will also be here.

NEW RUBBER PLANT

Now in Sight for Akron—Goodrich Company Buys a New Site.

Akron, March 1.—A deal has been closed by which the B. F. Goodrich company bought of the Hill Sewer Pipe company five acres of land upon which it is the intention of the Goodrich company to erect a large plant. It is believed work will be commenced on it this spring.

When the great addition upon which the Goodrich company has already begun work for the extension of its main plant is completed, the company will be occupying with buildings all the available space on its present site, including the recent purchase of land from the Brewster Coal company and others. Considerable more space is needed, and it is understood that negotiations have been in progress for some time for the purchase of the land which has just been secured.

\$100 REWARD, \$100.

The readers of this paper will be pleased to learn that there is at least one dreaded disease that science has been able to cure in all its stages, and that is Catarrh. Hall's Catarrh Cure is the only positive cure known to the medical fraternity. Catarrh being a constitutional disease, requires a constitutional treatment. Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system, thereby destroying the foundation of the disease, and giving the patient strength by building up the constitution and assisting nature in doing its work. The proprietors have so much faith in its curative powers, that they offer One Hundred Dollars for any case that it fails to cure. Send for list of testimonials.

Address, F. J. CHENY & CO., Toledo, O.

Sold by druggists, 75c.

Hall's Family Pills are the best.

MINERAL CITY.

Miss L. Jean Soners is in Cleveland spending a few days on business. Miss Mollie Jane Reed, of North Industry, gave another elocutionary entertainment at Somerdale Tuesday evening.

The Home Dramatic club will produce the "Arabian Nights" again this week.

Will Van Kirk, of Canton, was visiting his parents here Sunday.

T. A. Reader and bride returned last evening from a visit with friends in Cleveland.

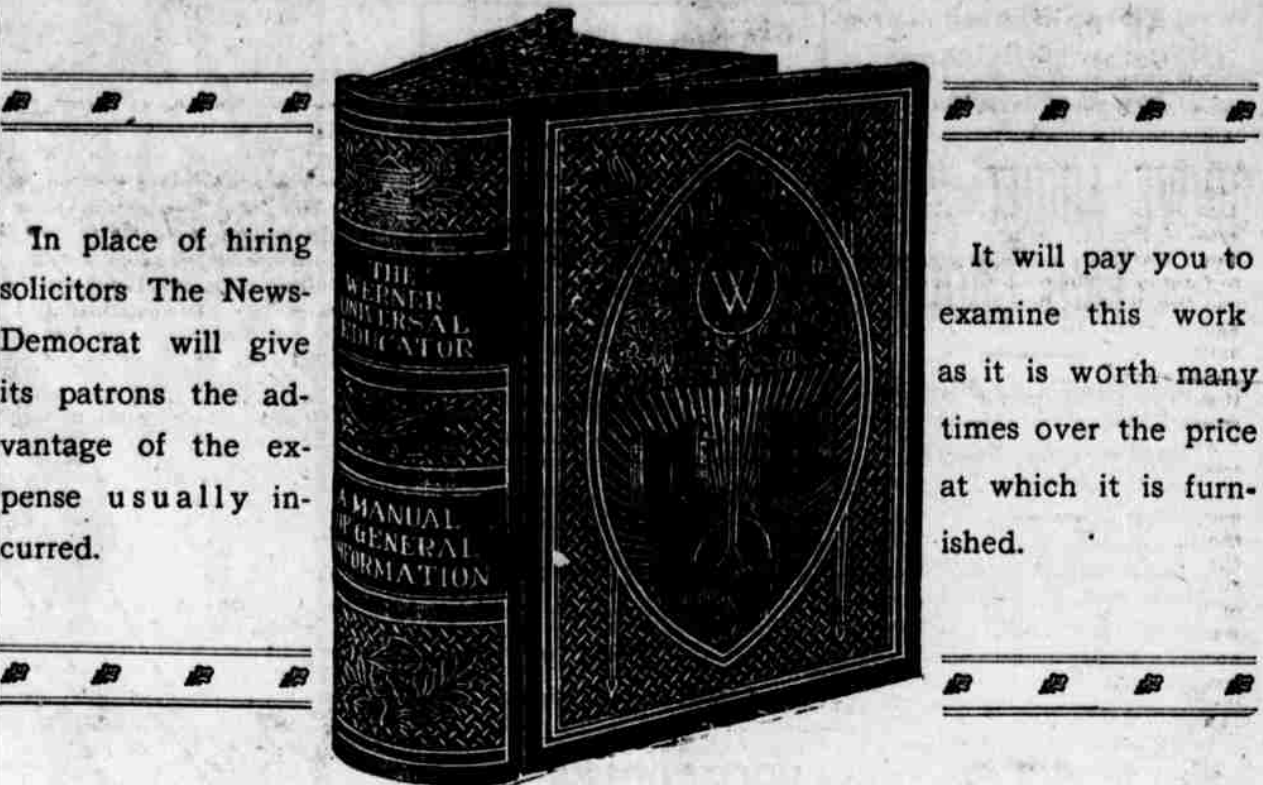
Mrs. T. H. Edwards visited her parents at Canal Dover over Sunday.

Dr. C. H. Sawyer and wife are at Cleveland this week attending the funeral of a relative.

A SPECIAL OFFER.

Those who secure one new, paid-in-advance subscription to the News-Democrat (Daily), or the Stark County Democrat (Weekly) can obtain a copy of Werner's Universal Educator, a book of

830 Pages, Bound in Sheep, for \$1.25.



In place of hiring solicitors The News-Democrat will give its patrons the advantage of the expense usually incurred.

It will pay you to examine this work as it is worth many times over the price at which it is furnished.

A Sample copy of this Book can be seen at the office of The News-Democrat, 231 East Seventh street. It is printed at the famous Werner establishment, and is the best work of its kind on the market.

OHIO VALLEY ROADS PLAN IMPROVEMENTS

Wheeling and Lake Erie to Extend Tracks from Steubenville to Wellsville—C. & P. May Do Doubletracking.

(Staff Special.)

Wellsville, Feb. 28.—Big improvements are anticipated in the near future among the railroads in the Ohio valley. It is said that the Wheeling and Lake Erie railroad will extend its tracks from Steubenville up the river as far as this city. This extension was decided upon soon after the Wheeling and Lake Erie passed into the hands of the Wabash, but nothing was done in the matter until recently when officials of the Wabash were in Steubenville and started to work buying up rights of way. The Wabash people have met with much opposition

In this work from the Cleveland and Pittsburgh road, whose officials have tried hard to keep out the rival line. Extensive improvements are also intended on the Cleveland and Pittsburgh road. It is the intention of the company to double track the road from Cleveland to Wellsville and eventually to Rochester, thus giving the patrons of the road a double track service from Cleveland all the way to Pittsburgh. Officials of the road have recently been in this section buying rights of way and it is expected that the work will go forward with vim. The reason for this improvement is because of steady increase of the freight service between the two cities.

RESCUED FROM SLAVERY

Thousands of Japanese Girls Were Liberated by the Court's Decision.

Pittsburg, March 1.—At the meeting of the Methodist Protestant Board of Foreign Missions yesterday, a letter was read from Missionary U. S. Grant Murphy, located at Yokohama, Japan, telling of the wonderful reform movement now in progress in Japan. For many hundred years the fathers in Japan have been allowed by law to sell their daughters to disorderly houses. One of the girls escaped about a year ago and took refuge with Mr. Murphy. He made an appeal to the supreme court of Japan, and has just secured a decision that the practice is virtual slavery. The decision liberates over 55,000 girls, and about 11,000 have already escaped from their bondage.

REAL ESTATE TRANSFERS.

CANTON.

Cynthia A. Dunner to S. Anna Heffner, lot 7671 First ward, \$2,000.

S. Anna Heffner to Arthur A. Maurer, lot 7671 First ward, \$3,300.

Ollie Held to Margaret McGowan, lot 3937 First ward, \$2,300.

John Blum to Louis E. Blum, lot 1469 Fourth ward, \$200.

Hanna B. Smith to Charles Ebert, lot 5908 Sixth ward, \$500.

Maggie J. Maurer to John Humbert, part of lot 824 Sixth ward, \$900.

Mary A. Fralley to Celia H. Fralley, part of lot 194 Seventh ward, \$2,500.

Louisa M. Lind to James P. Smith, lot 386 Seventh ward, \$900.

OTHER TRANSFERS.

John Fisher to Philip Fisher, lot 2877, Massillon, \$700.

Albertine Manderhaugh to Frederick Fricker, lot 672, Massillon, \$500.

James Guyann to William D. Edwards, lot 1226, Alliance, \$1,500.

L. E. Meyers to Mrs. Adaline Grady, lot 1348, Alliance, \$1,750.

O. J. Paul to John B. Senn, one-third acre in Perry township, \$2,300.

Mary A. Allerton to Indian Run Coal company, 20 acres in Sandy township, \$2,000.

INTERESTING "FAKE."

Slav Girls Do Not Want to Marry—Fathers Offered No Bonus.

Last week Ohio papers published a story to the effect that two Slavs near Steubenville were offering \$1,000 as a bonus to Protestant American young men who might marry their daughters. The notice in the newspapers—for the paragraph was in all the city dailies—has brought about interesting results. The two girls, Mary Dulnick and Rosa Eentzel, have been besieged by proposals and letters of tender character even since. The mayor of Steubenville has received letter after letter asking him whether the report is genuine. Some writers have gone so far as to describe themselves. Usually they are men of much flawless character that the wonder is that they are not already off the matrimonial market.

The girls and their fathers, one of whom runs a grocery and the other a saloon, are highly incensed. The girls are far above the average in point of intelligence. The sorest point of all is that the girls are positive that jealousy has prompted some females of their acquaintance to circulate the report that their fathers are offering a bonus to men who will marry them for fear they may never get rid of their daughters otherwise. Attorneys have been consulted and action may be filed for damages. The name of the newspaper correspondent, who concocted the story is unknown—at least unknown to many who would like to learn it.

PNEUMONIA FOLLOWS A COLD.
But never follows the use of Foley's Honey and Tar. It stops the cough, heals and strengthens the lungs and affords perfect security from an attack of pneumonia. Refuse substitutes. Sold by Roth and Hug.

FREDERICKTOWN—Mrs. Calla B. Irwin asks a divorce from Jeremiah Irwin, alleging that he drove her insane by cruelty.

FINDLAY—James A. Bailey, a laborer, struck oil in Kentucky, and sold out a fifth of his interest for \$20,000.

TO CURE A COLD IN ONE DAY

Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box. 3c.

Going to California

You see Indian pueblos, ancient cliff-dwellings, towering peaks, petrified forests; also Grand Canyon of Arizona, more than a mile deep. The California Limited, daily Chicago to San Francisco and Los Angeles. Our travel books about California and Grand Canyon, 10 cents.

Santa Fe

Gen. Pass. Office, A. T. & S. F. B'y, Chicago.

This signature is on every box of the genuine Laxative Bromo-Quinine Tablets the remedy that cures a cold in one day.